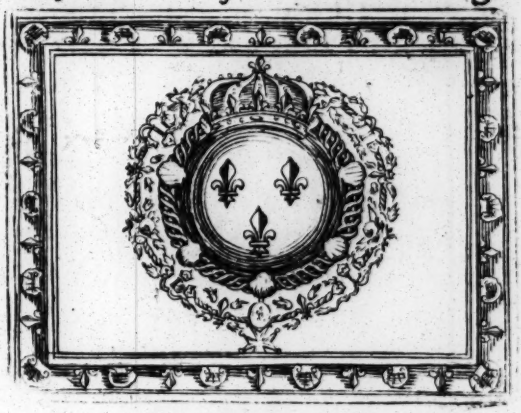
A

DIALOGVE CONCERNING THE RIGHTS OF THE MOST CHRISTIAN QVEENE.

Tranſlated out of French into English.



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With Licenſe.

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TO THE READER.

IT was but few dayes after that the late Queene mother had yeelded her duties to the memory of the Catholicke King her Brother, and her Ciuilities to his widow, ſuch as are practiſed in the like occcaſions, that she ſent for to the Marquis de la Fuente, Lord Embaſſadour of Spayne, and told him herſelfe, that among the lingring paynes of à mortall Diſeaſe of which she felt her ſelfe afflicted with, neuertheleſſe she would be very happie, if she could die with this conſolacion, to ſee the Peace aſſured betwixt the tow Crownes of France and Spayne, and confirmed for euer, againſt all things whatſoeuer would come, to cauſe any alteration in it. That it was vpon that motiue, and without any other intereſt then that of the publick Peace, that she wished heartily,

that Spayne should be moued to doe right to the King her ſonne, concerning ſome States and Dominions, which were come vnto him in the low Countries, from the Rights of the Queene his Royall Conſort, becauſe the denying of ſuch à naturall and lawfull right, woud cauſe vndoubtedly à diuiſion among thoſe two Kings; But that she encheargedhim to write to the Queene her Siſter, and to intreat the ſaid Queen in herbehalfe that she would be pleaſed, to make vſe of thoſe little moments of life which were yet left vnto her, which she offered, to make an end of ſuch an important buſineſſe, and which was of ſoe much concernmentt tothe States and Dominions of the Catholicke King her ſonne, and to all Chriſtendome. Giuingher alſoe aſſurance that her interpoſition would not be vnfruictuou towards the King her ſonne, Knowing his bountifull nature, andhis moderation, to promiſe herſelfe that in conſideration ofher requeſt, and of the publick Peace, he would giue ouer ſome part of his intereſts.

The Marquis de la Fuente pro-

miſed the Queene to write according to her deſire, but the anſwere he had after à long expectation of it, was an order to declare preciſely to the Queene Mother, as he did, that the Queene his Miſtreſſe would in no manner and in what conſideration whatſoeuer heare any purpoſe of accommodation, vpon ſuch pretentions, which she beleeued to be deſtituted of any and lawfull right, and ſoe much leſſe becauſe the late King her husband had forbidden and encharged her by his laſt will, not to ſuffer any part, no not ſoe much as à ſingle Hamlet orſmall Village, to be alienated from the Soueraignetie or Dominian of the low Countries.

Though ſuch à formal and poſitiue deniall, might cauſe à ſenſible apprehenſion from them at that verie inſtant, neuertheleſſe the moſt Chriſtian King in lieu to take poſſeßion himſelfe of his rights, he willingly ſuſpended for à time the deßigne he had to proſecute them, beleeuing that the Queene of Spayne, should take care to cauſe her ſelfe to receiue à better information about that buſineſſe.

But ſeeing at laſt that à longer patience might much preiudice the intereſts of the Queen his Royal Eſpouſe, ſince that Spayne hath yet preuailed it ſelfe vpon that occaſion, as to cauſe à new Oath of Allegiance to be taken by thoſe States which are befallen to him, he hath giuen order to publish this booke, to the end that all Chriſtendome might receiue à true information of the Iuſtice he hath for the proſecution of his Rights, and giuen aduice to the Counſell of the Catholicke King, that he was in march to take poſſeſſion of thoſe Countries, and in à poſture to aſſure the Peace of thoſe his ſubiects who should be faithfull to him, or reduce by force the rebellion of thoſe who would not acknowledge him for their true and lawfull Soueraigne; And he is willing alſoe, that euerie man may be informed, that his intention is to poſſeſſe the Dominions which are befallen to the Queen, in the low Countries, at the ſame title that the Catholicke King enjoyed them in reſpect of the Empire.

A DIALOGVE CONCERNING THE IVST RIGHTS OF THE MOST CHRISTIAN QVEENE.

A French Counſeillour at Law being at Bruſſels, and hauing met with tow others lawyers, the one à Flemming, and the other à German, the entertainement following paſſed between them.

THE FRENCH. I haue allwayes heard recited great diſcourſes of the magnifick things

that are in the Citie of Bruſſels, but Imuſt confeſſe how faire was the Image Ihad framed in my ſelfe, it is yet a great deale inferiour to the greatneſſe and beautie which Iſée.

THE FLEMMING By your words Sir, itis eaſie to Know that you are à Frenchman.

THE FRENCH. It is true Sir, Iam of that nation.

THE FLEMMING. Iwish that there should be found here ſomething that might ſatisfie your curioſitie, and Iwould thinke my ſelfe verie happie, if Icould doe any thing towards the ſame.

THE FRENCH. You may doe it eaſily Sir, in giuing me the entrance of the Palace or the Hall wherein your Courts of Iuſtice are Kept, for it is the onely conſiderable thing which I haue yet to ſée in this Citie.

THE FLEMMING. I engage my ſelfe moſt willingly to fetch you in, for the acceſſes of the Hall are as frée for me as you could wish.

THE FRENCH. I ſhall be extreamly glad to be ſoe much beholding vnto you, but Ifeare to trouble you.

THE FLEMMING. I pray you Sir, doe not feare that, for who could betterdoe you this little peice of ſeruice, than an Aduocate in the time of his Vacanſies, when he is at leiſeure.

THE FRENCH. You are an Aduocat Sir.

THE FLEMMING. It is my Profeſſion.

THE FRENCH. You could ſay nothing more pleaſant tome, ſeeing that Iam alſoe of the ſame Profeſſion.

THEFLEMMING. I hold this meeting happie for me! but can Ibe ſoe bold as to aske you in what Court you doe exerciſe the ſame.

THE FRENCH. Icannot deny it to your curioſitie: it is in the high Court of Iuſtice which wecall the Parlement of Paris.

THE FLEMMING. After ſuch a Declaration Sir, Iam ſomewhat

ashamed to conduct you where you will haue me to lead you in, for Iheare that there is nothing comparable to the worthineſſe and Maieſtie of that Auguſt Parlement.

THE FRENCH. Euerie place, Sir, hath its beauties, and its particular rarities, but I pray you to accomplish your promiſe.

THE FLEMMING. Let vs come in ſince you will it ſoe; inſenſibly and leiſurely we are come to the gate.

THE FRENCH. Truely I should haue à cauſe to complaine, if you had depriued me from the ſight of à place where I find ſoe many faire things. This Tribunal is moſt ſtately made, and the roome where we are looks like à verie ſumptuours Hall, but I make noe doubt that it hath altogether another shew, when it is inſpired with life and animated by the vigour of your eloquence, and that of theſe your worthie fellowes.

THE FLEMMING. It is, Sir, the moſt honorable Barre of your Par-

lement which is the true fieild of eloquence, and not this place where it is ſtraightned in à verie little roome, and in Bonds which are verie short. For all the Suits in law are dealed with onely by writing, inſomuch that the Aduocates neuer come to plead any cauſe in publicke. Notwith ſtanding I confeſſe that ſince the Peace was made betwixt the two Crownes, the arts and Learning began to Flourish againe in this Citie, but there runs acertaine report of á warre which troubles our minds; you may if you will giue vs ſome intelligence of it, ſince you are coming from Paris, from whence we had thoſe newes.

THE FRENCH. You doe ſurpriſe me verie much, for when Icame out of that Citie, which is not aboue à fornight agoe, I ean aſſure you that euerie man had noe mind but to makehis endeauours for the conſeruation of the Peace. The Arts which are the moſt noble ornament of it, doe flourish there better then euer

they did, and learning improued with à ſingular application, they make à reformation of thoſe abuſes which were crept in the adminiſtration of the law, they correct thoſe diſorders which they haue found in the Kings reuenues, they doe ſettle that Citie with an admirable Gouernment, the Manufactures and Handycrafts works giues noe way to any ideleneſſe, the trade and Comerce takes away all that which is ſuperfluous, and cauſed à ſuperabundant importation of all the Commodities of other Countries, Vértue hath put Fortune vnder her feet, and the titles of honour doe begin to be diſtributed on ly vponthoſe which deſerues to be rewarded for their good behauiour. In à word the moſt Chriſtian King purifies all things by the firie rays of à Diuine wiſedome, and makes to come againe the happineſſe of that firſt age of the world, of which we had no thing but an ideal Knowledge. By that, Sir, you may then iudge what foundation can

haue your report of à warre, in the midſt of ſoe many peaceable actions; but I pray you to doe me that faueur, as to tell me what is the pretext they giue to this warre.

THE FLEMMING. They ſay that the King of France will take poſſeſſion of ſome States and Dominions which are come to the Queene his Eſpouſe, by the deceaſe of their Catholick Maieſties the King and Queene her Royal father and Mother, and of the Prince Balthazar, which was her onely Brother of the firſt Mariage.

THE FRENCH. I doenot Know how that may be the cauſe of à war, for if it be true that the Rights and pretentions of the Queene are lawfull, noe man can gueſſe that the Catholicke King would deny ſuch an act of Iuſtice, to his Siſter, as his own blood would aske it of him, or that the States who ſhould belong vnto this Princeſſe, would commit ſuch à felonye againſt their naturall Soueraigne

Lady; as to vphold the ambition of à Straunger.

THE FLEMMING. But who shall iudge, if the pretentions of the Queene are lawfull?

THE FRENCH. The Law, the reaſon, the Cuſtome, and the Common Vſage of thoſe Countries.

THE FLEMMING. Truely there is nothing ſoe iuſt as what you ſay, ſince there is noe man that will reiect à Souueraigne that Nature and the Law would giue him: and for my part I haue an extreame deſire to be ſoe cleared in minde, that I may doe nothing contrarie to my honour and conſcience. Sir doe yow Know any thing of thoſe pretentions?

THE FRENCH. I haue ſeene in writing à verie large Treatiſe, which was writen by the commaund of the moſt Chriſtian King, by à friend of mine who gaue me the peruſal of it.

THE FLEMMING. I feare that that Treatiſe will not finde à free paſſage intheſe parts; but it may

be that you remember verie well what are the contents of that Booke.

THE FRENCH. I haue read it with ſoe much pleaſure, delight and application, that I doe keepe it in my memorie as well as if I had beene the author my ſelfe.

THE FLEMMING. I pray you doe me that fauour to impart vnto me ſome portion of thoſe lights which you haue in that buſineſſe, which is of ſoe much conſequence in reſpect of my dutie and allegeance.

THE FRENCH. It may be, Sir, that it will not be an act of Prudence in me to obey you, and giue ſatisfaction to your deſire, for theſe matters are ſoe delicate, that they ought not to be handled with in euerie place, and in the preſence of all ſorts of men.

THE FLEMMING. I pray you that this honeſt gentleman which is in my Company, be not ſuſpicions vnto you, when you shall be truely informed what man he is, you shall not finde your ſelfe

miſtaken toſpeake before him, for it is one of the moſt illuſtrious Ciuillians of Germanie, and one that vnderſtands perfectly your language.

THE FRENCH. It will be an augmentation of ioye vnto me, to ſatisfie your deſires before ſuch á great Perſonage, but the cleering of the buſineſſe you will haue from me, will be ſomewhat long, and requireth ſome time to doe it.

THE FLEMMING. You may abreuiate your diſcourſe, for among thoſe of our Profeſſion the Confirmation is eaſily to be vnderſtood, and it is enough that the reaſons onely be handled, and the proofe left to others.

THE FRENCH. Then let vs ſit downe if it pleaſe you, Sir, this matter muſt be entreated leaſurely, to the end we may diſcourſe of it, better and in earneſt, ſince you will it ſoe, and that there is no bodie here that may heare what we ſpeake of. The Rights ofthe Queen, as I haue collected

them out of that Treatiſe, doe conſiſt in Monyes, and Demeſnes or patrimoniall inheritances.

THE FLEMMING. what is her Title?

THE FRENCH. The Contract of Mariage betweene Elizabeth of France her Mother, and the late Catholick King, and the Cuſtomarie Lawes of thoſe Countries.

THE GERMAN. It ſeemeth to me that she is not the ſole heire of the firſt Mariage of the Catholicke King.

THE FRENCH. It is true that there was left two Children of that Mariage, that is the Queene, and the Prince Balthazar, but this Prince being dead when he was yet vnder yeares, after the death of his Mother, he left the Queene his ſiſter for his ſole inheritor.

THE FLEMMMING. Is the ſumme conſiderable which they owe vnto her in Monies?

THE FRENCH. It is no leſſe than eleuen hundred thouſands Crowns of gold.

THE FLEMMING. This ſum-

me is immenſe and verie conſide-rable.

THE FRENCH. The account of it is verie eaſie tobe caſt, there is fiue hundred thouſands Crow-nes of Gold for reſtitution of the Dowry, an hundred and ſixtie ſix thouſands, ſix hundred ſixtie ſix Crownes of gold for the augmen-tation of the jointure, an hundred thouſands Crownes in Iewels and precious ſtones brought there with her, beſides the intereſts of thoſe ſummes for manies yeares toge-ther.

THE FLEMMING. Your ac-count may be good, but the In-fanta hath butone moytie or hal fe part of this ſumme, the other did belong to the Catholick King, as being heritor of the Prince Bal-thazar his ſonne, to whom it ca-me vnto by the ſucceſſion of Eli-zabeth of France his Mother.

THE FRENCH. You Know Sir, that in Spayne the Dowry and its augmentation doe ſoe proper-ly belong to the Children, that they doe inherit ſucceſſiuely the one

of the other, to the excluſion of their father and Mother [a]. Soe that the Catholick King could haue noe pretention in that portion which belongeth to the Prince Balthazar, that might preiudice the Queene, and no more in the value of thoſe Iewels, be cauſe they haue beene contracted to be reputed for proper goods, by that Contract of Mariage of the late Queen Elizabeth. Moreouer I ſay, that though he had gathered all the ſucceſſion of the Prince Balthazar, he shouuld haue loſt it by his ſecond Mariage, according to the 15. Law of Torre, who ordaineth that the man or woman who outliued his conſort, and comes to à ſecond Mariage, is bound to make à reſtitution to the Children of his or her firſt Mariage, of all the ſucceſſions wich are come vnto him or her, by the deceaſe of anye of his or her Children of the ſame Mariage.

[a] *L. 1. tit. 11. de las dotes, 4. part. L. 23. & 31. ibid. L. 15. Torre.*

THE GERMAN. There is nothing to anſwer againſt what this

Gentleman hath ſpoken, for beſides the Common Law of Spayne, and the 15. Law of Torre he hath ſpoken of, the Ciuil Law hath the ſame diſpoſition againſt the Father and the Mother who goe to contract à ſecond Mariage [a].

[a] *L. Fœmina, Cod. de ſec. Nupt. L. Edict. Cod. eodem.*

THE FLEMMING. Let vs now then come to the Rights in Lands, and ſée in what they doe conſiſt.

THE FRENCH. Theſe Rights containe the Dukedome of Brabant and his appurtenances, the Lordshipf of Malines, Antwerp, high Gelderland, Namur, Limbourgh, and the Places which are vnited ouer the Maes, the Haynaut, Artois, Cambray, the Countie or Earldome of Burgundy, and the Dutchy of Luxembourg.

THE FLEMMING. What is the foundation of all theſe high pretentions?

THE FRENCH. The Queen ſayes that by the deceaſe of her Mother the Queen Elizabeth, and of her Brother the Prince Balthazar, the propertie of all thoſe Dominions is come vnto her.

THE GERMAN. It is à hard matter to conceiue how theſe States which did belong to the late Catholick King might be come vnto the Infanta, by the deceaſe of her Mother and that of her Brother, who neuer had anie propertie inthem, nor any right to enioye the reuenues thereof during their life.

THE FRENCH. You muſt not be ſurpriſed ſo much, for that this is done by à Right of Deuolution, which the moſt parts of all thoſe Dominions doe obſerue inuiolably.

THE GERMAN. This Right is not altogether vnknowne vnto me, for that we haue ſome Countries in Germanie where it is in practiſe. But would you be pleaſed, Sir, to expound vnto me how it is obſerued, and what are its effects among you.

THE FRENCH. Moſt willingly; but I ought neuertheleſſe to giue you à warning before that, that there is à Clauſe in the Contract of Mariage of the Queen, by

which they haue obliged her to renounce to all her Rights preſents and to come, that you may iudge if it is better to ſepeake firſt of this Clauſe, beforewe come to à more ſerious examination of thoſe Rights, or if we ſhall continue to ſpeake for the clearing of them.

THE GERMAN. This obſer-. uation is verie good and ſincere. Ithink formy part it would be good to begin by the Renonciation, for it is to no purpoſe to ſettle mens rights, when they cannot pretend anie thing vpon them.

THE FLEMMING. Iam alſoe of the ſame ſence, and moreouer that this Gentleman would be pleaſed to rehearſe exactly vnto. Vs that Clauſe of the Contract.

THE FRENCH. It is true that thoſe things willbe better cleared, when this Clauſe shall be explained. which is writeninthese verie words, as followeth. *That if ſoe be the effectuall payment be made to his Moſt Chriſtian Maieſtie of the fiue hundred thouſands*

Crownes of Gold, or the iuſt value thereof, vpon the conditions aforeſaid, the Moſt Serene Infanta ſhall hold herſelfe to be ſatisfied, and will be content of that Portion aforſaid, inſoemuch that hereafter ſhe cannot clayme anie other right belonging to her, normake any ſuit action or demand, vpon pretenſion that ſhe hath or may haue anie other more goods, rights, reaſons and actions, depending from the inheritances, and anie other greater ſucceſſions of their Catholicke Maieſties herfather and Mother, neither fer contemplation of their perſons, nor in anie other manner, cauſe or title whatſoeuer.

THE FLEMMING. Can be there anie thingmore expreſſe than this Clauſe is?

THE FRENCH. I aske but a little moment of your patience, and you shall ſee that there is nothing ſoe weake, not to ſaye ſoe vniuſt, as that is. The Catholicke King giueth nothing what ſoeuer to the Queene for her Portion, and neuertheleſſe he obli-

geth her to renounce to his ſucceſſion, that cannot be maintained; becauſe the eſſence of à renonciation requireth the Daughter to haue her portion, for when she hath it not, it is nomore à renonciation, but rather an exheredation: And the Decretal of the Pope Bonifacius the VIII. who did introduce the vſage of the renonciations againſt the diſpoſition of the Ciuil Law, which condemneth them, will haue the Daughter who doe renounce to the ſucceſſion of her parents, to make à ſolemne declaration that she is well ſatisfied with the portion she receiueth from her father to oblige her to this renonciation [a]. Soemuch it is true that the Mariage portion is the only foundation of the renouncciation. which is without anie queſtion receiued in Spaine, where there is à law verie expreſſe, which requireth that if à father giues leſſe in Mariage to his Daughter than the lawfull portion she may clayme vpon his goods,

a Quamuis pactum patri factum à filia dum nuptui tradebatur, vt dote contenta nullũ ad bona paterna regreſſum haberet, improbet Lex Ciuilis: ſi tamen iuramento nec dolo, nec vi præſtito, firmatum fuerit, ab eadem omnino ſeruari debebit, cùm non vergat in ſalutis æternæ diſpendium, nec redundet in alterius detrimentum. *Sex. Decr. l. 1. tit. de Pact.*

goods, the renounciation is voyd [a]. And the Ciuilians of that Nation who haue writen vpon that law, ſay beſides, that it is ſoe requiſite that the Mariage portion be ſettled vpon the goods of the father, that though the Daughter should be extreamly vich from another ſide, yet neuertheleſſe if her father doeth not giue her à Mariage portion of his owne goods, he cannot oblige her to renounce becauſe this portion being à charge of nature vpon the goods of the father, this portion muſt be alſoe as real à part of his fortune, as his Daughter is à true part of his ſubſtance [b].

THE GERMAN. This Principle ſeems to me verie well eſtablished, and Iam ſoe much perſwaded of the certaintie of it, that the Emperour Iuſtinianus hath made an expreſſe Conſtitu-

[a] *L. 11. tit. 4. de la ſexta partida.*

[b] Filia etiam maior renuntians hæreditati paternæ & futuræ, recepta dote ex bonis maternis, licèt iuramentum præſtiterit, poterit ex cauſa grauiſſimæ læſionis agere ad pacti reſciſſionem: etenim nemo negare poteſt, quin in hoc caſu grauiſſima & admodũ enormis læſio contigerit, nec in hac ſpecie locus eſt deciſioni huius capitis, cùm in eo tractetur de filia renuntiante hæreditati paternæ recepta dote à patre ex bonis ipſius patris. *Couarr. ſupra cap. Quamuis in ſext. de pact.*

L. 1. Relect. part. 3. §. 4.

tion vpon the ſame matter. Who runs to this effect, that the obligation which lyes vpon the goods of the father, to giue à Mariage portion to his Daughter, cannot be transferred vpon any others, norcan he exempt himſelfe of giuing that portion, when he is able enough and hath meanes to doe the ſame, which is not onely à gratuitie, buf alſoe à dutie which he owes to his own blood.

THE FLEMMING. It may be that this maxime is not ſoe certaine as you ſay, but whatſoeuer it be, I doubt that it may be applyed to this fact, for I haue all wayes heard ſay that the Catholick King had beſtouwed fiue hundred thouſands Crownes of Gold to the Infanta, for her portion.

THE FRENCH. Pray pardon me Sir, If I ſay againe that he giueth her nothing. I doe conuene that the Catholick King who oweth eleuen hundred thouſands Crowns of gold to his Daughter, did promiſe her fiue hundred

thouſands Crownes, but he hath conuenanted by the Contract, that if ſoe be he ſhould giue that ſumme of money, he would be diſcharged and free of all that which he oweth vnto her for all thoſe rights which she may inherit of her Mother. Now he that makes but à payment of fiue hundred thouſands Crownes, for eleuen hundred thouſands which he oweth, he detaineth withhim ſix hundred thouſands Crownes, and comes verie short to giue thoſe fiue hundred thouſands Crownes of his owne.

THE FLEMMING. Is not à portion of fiue hundred thouſands Crownes of gold, verie honeſt and reaſonable? and what doeth it import from whence it procedeeth, ſince it is a fit preferment, and that alſo it is the Father who did engage himſelfe to giue it.

THE FRENCH. But Sir, would it be taken for an act of Iuſtice and Equitie, if à Father which is bound to giue à portion vpon his

goods, should come to pay that debt vpon the goods of anie other man, or vpon thoſe which doe belong to his Daughter? Pray tell me if you beleeue that à Creditot to whom you shad giue his ownes goods in payment, would thinke himſelfe lawfully payd of what was due vnto him. We know that the law which enjoineth the Father to giue à Mariage portion, ſpeaketh of an effectuall portion, that muſt be taken out of his owne goods [a]; for one cannot ſay he giueth à portion to his Daughter, when he doeth but giue or pay what he oweth her, and noe man can ſay but that where there is noe liberalitie there is noe portion, and conſequently there is no Cauſe to the renonciation nor anie foundation of the ſame. Therfore all the Ciuilians who haue writen vpon the Decree of Bonifacius the eight, doe agree, that the renonciation may neuer be applyed, but vpon the ſucceſſion of him who hath payd the por-

[a] Caput *Quamuis* loquitur de renuntiatione facta illi à quo filia dotem congruam accepit, cũ renuntiationis fundamentum potiſſimum eſt ex receptione portionis congruæ, *Berengarius Fernander, lib. de Renunt.* Pater dotauit filiam de bonis vxoris; nũquid iſta filia habebit regreſſum ad bona paterna? Reſpondeo quòd ſic, quia iſta cum effectu non eſt à patre dotata. *Bald. in l. Neque mater, Cod. de Iuredot.*

tion out of his owne goods, for the portion being the price, or rather the indemnitie of the renounciation, it would be vnlaw full that one might conuenant à renounciation which hath neither payd the price nor the indemnitie of the ſame [a]. Couarruuias propoſeth to him ſelfe the Example of à Father, who cauſeth his Dauhter to renounce, though he giueth nothing to her in conſideration of her Mariage, but only thoſe goods and inheritances which were come vnto her from her Mother, and he reſolued that this renounciation is ſoe vnjuſt that it may not, nor ought euer to be put in execution, in what âge ſoever the Daughter may be, or what oath ſoeuer she hath taken, when she made that renounciation. Montaluo Miniſter of State in Spayne, and Berengarius Fernander, hauing alſoe con-

[a] Non excluditur per renuntiationem, niſi à ſucceſſione dotantis, vnde ſi de propriis bonis filia fuerit dotata non eſt excluſa. *Benedict. in cap. Raynut. in verb. Duas habens vxores.* Caput *Quamuis* debet intelligi, quando filia renuntians recepit in bonis patris vel matris, illud quod ſuccedit in loco legitimæ, id eſt, dotē. Nam nihilo percepto eſſet inhumanum quod per meram renuntiationem ſpoliaretur hæreditate paterna, ex cuius bonis nihil percepit, & eſſet dolus reipſa. *Ancharanus in dict. cap. Quamuis.*

[a] Si filia habens penes patrem bona materna renuntiet hæreditati paternæ cũ iuramento, hac appoſita pactione, vt pater ei det mille aureos pro dote, erit intelligenda hæc conuentio in hunc modum, quòd mille aurei ſunt dandi ex bonis paternis, non ex maternis. *Couarr. loco ſup. cit. Montal Comment. in leg. fori lib.* 1. *tit.* 2. *lib.* 28. *Berengarius Fernander dict. loco.*

ſiderd this example, doe condemne the vnlawfullneſſe of this Renonciation [a]. And truely as it is conſtant by all our principles that an exceſſiue loſſe where it is to be found, maketh all Couenants to be void by the law, becauſe it degenerates in à reall fraud and tromperie, which the Lawes cannot permit to doe [b], what ſhall men thinke then of ſuch an extreame leſion and loſſe that à Daughter receiueth from her Father when he obligeth her to renounce and giueth her noe portion at all, ſince he depriueth her vnlawfully of all the Rights of her birth, and without giuing her any thing of his owne, he taketh away from her not only

[b] Limita hanc Decretalem non habere locum vbi puella renuntiauit hæreditati paternæ cum iuramento, ſi interueniat deceptio vltra dimidium: nam ibi ceſſat iuſtitia, cùm ſit euidens iniquitas, & dolus reipſa ita reſcindit contractum, ſicut dolus ex propoſito. *Georg. Nat. in cap. Quamuis de pact. in Sext.*

Tam grauis læſio non poteſt abſque dolo vero alterius contrahentium contingere, qui reſcindit omnino pactum. *Couarr. dict. loco* §. 3.

all things tthat she mightienioye at preſent, but alſoe the hope of his future ſucceſſion, which in ſome manner we may ſay to be the firſt childs part of the lawfull State of the Children. Truely, Sir, I dare ſay that it is as hard to excuſe the rigour of à Father who cauſeth his Daughter to renounce without giuing her her portion, taking this pretext that she hath goods euough from another part, that it should be abſurd to authoriſe an extraordinarie loſſe, in behalfe of him that hath committed that fraud, and beguiled the other, becauſe he that had been cheated, hath other goods euough to beare that loſſe patiently.

THE GERMAN. It is to much to cleare and make proofe of thoſe things, among thoſe of our Profeſſion. It ſeems to me now that the renounciation muſt not be henceforth à hard matter for vs, and that we may now come againe to the proofe of the Rights.

THE FRENCH. Iwill doe it,

Sir, if you commaunid it me. But Idare aſſure you that this firſt reaſon againſt the Renounciation, is the leſſe conſiderable of eight or ten others which are ſet downe in that Treatiſe which was made by order from the moſt Chriſtian King.

THE FLEMMING. Let vs then run through, that I may take an information of them all.

THE FRENCH. There is à ſecond nullitie, which is becauſe that the fiue hundred thouſands Crownes of gold who were promiſed, be not payd yet, though they should haue been payd within the ſpace of eighteene Moneths from the date of the Contract; in the manner following, that is, the one third part at the day of the celebration of the Mariage; an other third part within ſix moneths next following, and the laſt part within à yeare after.

THE GERMAN. Is it poſſible that this Portion was not payd?

THE FLEMMING. I confeſſe that it not payd yet.

THE FRENCH. This meane alone would be ſufficient to deſtroy that Ronounciation; for you knowwell Gentlemen, that by the Lawes, when there is in the Contract à certaine day prefixt for the payment, that day giueth à ſufficient warning to the debitor, and that without anie other ſummons, if he doeth not make ſatisfaction, the Couenant is voyd and reſolued by the Law; becauſe there is ſuch à difference betwixt the delay which is graunted by the Law, and that wich is agreed by à Contract; that the firſt is but Comminatorie, where as this is allwayes fatall [a]. They haue found this diſpoſition ſoe iuſt in Spayne, that they haue enacted à Law from that to themſelues, whoſe Equitie Montaluo comends verie much in his Commentarys; and the Roman Law doe much confirme that vſage, that by à great number of diſpoſitions and reſults, it reiected abſolutely all the proffers that the Debtors would doe poſteriouſly, or

[a] *L. Traiectitiæ pecuniæ, ff. de oblig. & act. L. Ad diem, ff. de verb. oblig. L. 9. §. vlt. ff. de vſur. L. 13. ff. de fideicom. lib. L. Magnam. L. 8. tit. 14. partid. 5. C. de com. & conc. empt*

after that the Day of payment is expired [a].

[a] *Dict. L. Traiectitia, &c. leg. ſup. cit.*

THE GERMAN. This principle hath no need to be confirmed by the texts of the Ciuill Law.

THE FRENCH. It is ſoe much the more to be inuiolable in the matter of Renounciations, that when à Father is dead before he hath payd the Mariage portion, his Daughter runs the fate of his euil fortune, contrary to the meaning and intention of thoſe renounciations, who haue not been tollerated, but only vpon this ſole conſideration, that that which à father giueth in ready money for the portion, was ſure and free from all the accidents that might trouble him in his goods. You know alſoe that by another maxime of the Law, that if the clauſe falls before the conſommation, in ſuch à caſe that it could not haue begin, it cannot, nor ought euer to be put in execution [b]. Soe that that the ſame Reaſon who could haue hindred that they could not oblige the Queene to

[b] *L. 4. de Donat. ante nupt. ff.* Dotem numeratio non ſcriptura dotalis inſtrumenti facit. *L. 1. ff. de dot. caut. non num.*

renounce to the Succeſſion of the Catholick King, if it hath been open at the time that the Mariage vas celebrated, is the Cauſe that they cannot now put inexecution that renounciation, ſince the things in this reſpect, are in the ſame ſtate as they were before, by want of payment. I ſay beſides that this Portion not being payd during the life of the late Catholick King, the Queen is reduced by his deceaſe to à ſimple promiſe of hauing à portion. Nowwe know that according to all the rules we haue, there is nothing but the tradition and the actual payment who doe conſtitue de Mariage portion, for ſaith the Law, it is the numeration (or reckoning of money) which giueth the forme to the portion and not the promiſe [a]. And el ſewhere it declareth affirmatiuely that he who hath not payd the portion, hath giuen none at all, what writing or what promiſe ſoeuer he hath made for that purpoſe, becauſe the Mariage por-

[a] In fructibus à viro retinendis, neque dies dotis conſtitutæ, neque nuptiarum obſeruabitur, ſed quo primũ dotale prædium conſtitutum eſt, id eſt, tradita poſſeſſione. *L. Dotale. ff. de fundo dot.* 1.

tion or the Daughters preferment doe consist only in the payment and actual tradition of the money promised. Gregory Lopez who hath made à Comment vpon the Lawes of Spaine, is of that opinion alsoe, that it is only by the tradition of the preferment that à Mayd is reputed to haue been doted [a], or haue and receiued à portion in Mariage sake, and in that he is conformable and agreeth with the other Ciuilians, amongst whom Bartholus obserues, that for the validitie of à renouncia-tion, there is two thing which must of necessitie concurre together, the one that the Mayd be Espoused, and the other that she haue been payd effectually of her portion [b]. And Baldus according to these principles sayd verie much to this purpose, that the Mariage portion, the loane, and the Gage left to another mans keeping, are such Contracts that all their being did consist in the execution thereof, differing from the others which are accomplished by the

[a] Dos incipit à traditione, non à promissione *In L. 12 4. part. de tit. 11. gl. 2.*

[b] Et sic requiritur quòd fuerit dotata & dotem recepisset. *In L. Non fine, Cod. qn& liberis.*

only conſent of the partyes. For as it would be abſurd to propoſe that à ſimple promiſe to lend, or to giue à gage to another mans keeping, ſhould be à real loane, or à gage giuen to that man, it would be alſoe verie vnjuſt and vnlawfull to pretend that à promiſe to giue à portion, shoud be taken for the effectuall portion it ſelfe [a].

THE GERMAN. If I had leaue to adde ſomething to thoſe reaſons, I hope that we might ſay according to the ſence of one of the moſt famous Ciuilians of this âge, that à Daughter who hath not been payd of her portion at the time of her fathers deceaſe, hath noe more than if there was neuer promiſed anie portion to her, ſince her birth it ſelfe was à ſufficient title vnto her to hope by that to haue à portion, and that her Contract of Mariage giueth her no other aduantage than the hope of being payd of the doate he promiſed her, when she will be neceſſitat

[a] Idem in contractu dotis, & ideo traditione ſecuta perficiebatur contractus. *In L. Iuris Gentium.*

ed to make à diſcution of his goods [a].

[a] Non eſt igitur dos ſi eam promiſero vel pollicitus fuero : ſed ſi tradidero. Dos ſola traditione conſtituitur, non promiſſione. *Cujas in L. vlt. Cod. de Rei vxor. act. §. Accedit.*

THE FRENCH. Thereis no doubt but that thoſe nullities doe vndermine that renouncia-tion to the verie foundation of the ſame, ſince they are drawn from te defects of the Doat or Mariage portion, which is the baſis and the neceſſarie title of all renounciations. But when ye will take into your conſidera-tion that thoſe Rights of which the Counſell of Spaine hath bound the Queene to make à re-nounciation were come vnto her at the time of her Mariage, ye ſhall be well conuinced and fully perſwaded that this renouncia-tion is deſtituted of all kind of hope, ſince there is noe maxime nor anie principle more conſtant, and more vniuerſally receiued vpon thoſe matters, than that by which the renounciations to tho-ſe rights which be fallen to anie body, are reiected, as being ab-ſolutely againſt the Eſſence of re-nounciations: for if it is conſtant-

ly true as I haue ſaid, that nothing elſe hath giuen anie authoritie, but the onely conſideration of à portion certaine and preſently to be had, for the hope of à ſucceſſion that the manie Reuoſutions and chaunces of fortune may ouerthrow, how can that be applyed to Rights which one enioyeth, which doe not only conſiſt in hope, but in an abſote poſſeſſing of the ſame, which is noe more regarded as à ſucceſſion of the dead, to whom one may renounce, but as the proper goods of the heritor, who hath noe otherway left him, to alienate the ſame, than that of ſelling, permuting, or giuing it away by his laſt will or ſuch other wayes. Alſoe the Decree of Bonifacius VIII. ſpeakes only of thoſe Rights which are to come yet, and becauſe it is à Law which is rightly contrarie to the Common Law, much leſſe to be extended ouer its bonds, all the Ciuilians are of opinion that it muſt be compaſſed verie ſtrictly [a].

[a] Adde Decretalem ipſam efſrænem eſſe & exorbitantem, vt ea de cauſa extendi extra propriã facti ſpeciem non debeat. *Raph. ad L.* 38, *ff. de verb. oblig.*

From whence cometh that by an inuiolable practiſe it hath been obſerued, that if à renounciation is made for two ſucceſſions, and that one of them become already, and the other is to come hereafter, this laſt who would be lawfull if it hath beene alone, is voyd by the contagion of the other [a], Soe it is true that renounciations to the rights which are come already are odious and worthie of hatred, but ſpecially they muſt be ſoe in this coniuncture, where they will haue them to be applyed to thoſe States and Soueraigneties which were come to the Queene when they obligeth her to renounce, as if thoſe things might fall in the trade of men, to the preiudice of that right which God reſerueth to himſelfe to make à diſtribution of them by the wayes of Conſanguinitie and Nature whereof he is the Author. And there is great reaſon to thinke that it is vpon that conſideration that thoſe learned Ciuilians Pa-

[a] Quando agitur de renuntiatione ſucceſſioni ſedulò diſtinguì debent futura & iam delata: valet renuntiatio ſucceſſioni futuræ, ſecus in iam delata. *Mol ſup. Conſil. 29. 3. vol. Alex.*

laes [a], Couarruuias [b], and Kinſchot haue ſaid, that there is no greater abſurditie, than to preſume by the meanes of Contracts to chang or alter the order of ſucceſſions to the Soueraingties, becauſe that being ſetled by the common Law, the particular Couenants cannot alter them [c], and becauſe alſoe they are nothing but à Fideicommis in the hands of the Soueraigne, who is bound by neceſſitie to reſtitue them to him or to her whom the Law of that State calleth to the Gouernment. And truely if ir were left to the libertie of à Soueraigne to cauſe his Children to renounce, how much more is it true to ſay that he might change amongſt his Children the order to ſucceed to his Dominions, in aduancing his yonger ſonne ouer the Eldeſt, or the Daughter to the Sonne, ſince it is much more to cauſe his children to renounce his

[a] Falſiſſimũ eſt quòd Reges poſſent hæredem & ſucceſſorem *in* regno eligere quem volunt, omiſſo filio primogenito, vel alio legitimo ſucceſſore, quod eſt contra omnia iura, & conſuetudines omniũ nationum inuiolabiliter obſeruatas. *Part. 2. q. 1. n. 57. & 58.*

[b] Rex non poteſt variure leges & conditiones primogenituræ iu præiudicium ſucceſſorum, nec facere quòd alius pro alio ſuccedat.

[c] *L. Iura ſanguinis, de Reg. Iurs. L. Ius agnationis, ff. de Pactis.*

ſucceſſion, than to change only the rancke of his familie.

THE FLEMMING. Let vs goe ouer, Sir, Let vs goe ouer.

THE FRENCH. Till now Gentlemen, ye haue ſeene manie Nullities contrarie to the Law, but now ye ſhall ſee in two Clauſes of that renounciation ſuch manner of exceſſe againſt nature, I am ſure that the examples will ſurpriſe you.

THE FLEMMING. Iam ſomewhat impatient to ſee you expound thoſe matters, for I doe not remember to haue read anie ſuch ſtraunges things in that Contract.

THE FRENCH. One of thoſe Clauſes makes an expreſſe mention, that the Queene and her Royall Iſſue ſhall be excluded for euer from all thoſe Dominions and Principalities which are now and euer ſhall be vnder the domination of Spaine. Soe that if the line of the Catholick King ſhould come to faile, the Straungers ſhall be prefered to her, and to all thoſe that ſhall iſſue from

her body. The other will haue this illuſtrious Princeſſe not to be excluded from all thoſe Rights, but in caſe ſhe hath any Children of his Mariage with the moſt Chriſtian King: but hauing no iſſue, ſhe may inherit of them all. Gentlemen I challenge againe that great Learming ye haue to finde in all the ages paſt anie Preſident or example of ſuch vnnaturall Clauſes, and prodigious expreſſions.

THE FLEMMING. What doe you find ſoe ſtraunge and extraordinarie?

THE FRENCH. Renounciations were neuer introduced but to be à meane to preſerue the famillies, and yet by the firſt of theſe Clauſes à father makes no vſe of them but for the whole deſtruction of his owne familye, preferring ſtraungers to his owne blood: Renouciations were neuer allowed but in the behalfe of the males children, and yet in this Clauſe it is not only extended to the Daughters, but to the

yonger of them, to the great preiudice of the Queen which is their eldeſt ſiſter. Pray tell me if à father can make à greater abuſe of that renounciation, than to make vſe of the ſame for to extinguish and abolish his familie, againſt the vow and nature of all renounciations, who are allowed him but for their conſeruation. But at laſt what elſe may ſignifie the ſecond of theſe Clauſes, who does not diſinherit the Queen, but only in caſe she may haue an iſſue of her Mariage, but that Spaine will change in à Curſe againſt this Illuſtrious Mariage, the Bleſſing which the heauens will beſtow vpon her Maieſtie Truely Nature which allwayes hath an inclination to the conſeruation of its ſpecies, cannot ſee without à shame à Clauſe ſoe exorbitant as this is who preferres the barreneſſe of à woman to the fertile generation of an other. The Mariage who hath noe other ſpecial end, but the lawfull generation of Children, cannot in-

dure that ſcandall by which à Mother should be diſinherited or depriued of her lawfull inheritaunces, by as manie children as God would giue vnto her. The Canonicall and Ciuil Lawes who are ſoe ſeuere and rigourous againſt all that may hurt the libertie, the honour, and Feconditie of Mariages, cannot ſee without horrour that in this Mariage which is the moſt illuſtrious vnder the heauens, they haue put in ſuch an iniurious and reproachfull Clauſe againſt the meaning and dignitie of all Mariages: and I beleeue that ſuch an vnnaturall Policie cannot expect anie thing elſe, but the indignation of all the world, ſince it reduceth an Illuſtrious Princeſſe not only to weepe all her life, and to lament the ſterilitie of her Mariage who ſhould hinder her tobe the Mother of à King of France, or the feconditie of the ſame who would let and debarre her from being Queen of Spaine: but it expoſes all the Monarchy of Ca-

ſtile to Ciuil and inteſtine warres, who cannot end but by its ruine and whole diſſipation : for if there was an ouerture to the ſucceſſion of the Crowne during the former yeares of the Catholick King, in ſuch à time that the Queen ſhould haue an iſſue from the moſt Chriſtian King, and after loſe her Children, would the Queene goe to caſt downe from the Throne her yonger ſiſter who had taken poſſeſſion of the Kingdome, and receiued the Oaths of Allegeance, and the Hommages of all the Subiets thereof.

THE GERMAN. This Clauſe doe ſurpriſe me verie much.

THE FLEMMING. Tis not yet without à preſident or an example, ſince that in the yeare 1615. Anne of Auſtria Infanta of Spaine, did the like renounciation by her Contract of Mariage with Lewis XIII. King of France.

THE FRENCH. This example does not at all agree with ours, for that Anna of Auſtria had four Brethren of the ſame ſtock as ſhe

was, when she did renounce, that is, Philippe, Charles, Ferdinandus, and Alphonſo, whereas Mary Thereſia our Princeſſe, had none at all, remayning alone of the Firſt Mariage of her Father. Anne of Auſtria had no inheritances come to her, and Mary Thereſia had the ſucceſſion of her Mother, and that of the Prince Balthazar her Brother, which belongeth to her: Anne of Auſtria receiueth from the verie liberalitie of her Father the fiue hundred thouſands Crownes which were giuen to her for à portion: Mary Thereſia by one Article was Creditor of thoſe fiue hundred thouſands Crownes of gold they promiſed her, for the repetition of thoſe ſummes of monies which the Queen Elizabeth her Mother had in Mariage. Anne of Auſtria did receiue her portion actually by the compenſation which they did of the ſame, with that of Elizabeth of France, who was maried the ſame day with the Prince of Spai-

ne, who has been ſince Philippe IV. the late Catholick King. Mary Thereſia receiued neuer anie thing of all that which was promiſed her: But laſtly Anne of Auſtria did renounce vpon à pretext who ceſſeth to be in this occaſion, which was that being à double Match betwen France and Spaine, the Spaniards who did deſire with an extreame paſſion, that the two parties might be equall in all things, did couenant that Anne of Auſtria should be excluded from coming to the Crowne of Caſtille, as Elizabeth of France was excluded for euer to come to the Crowne of France, by the Salique Law who wil admit none but the mâles. Now you ſee then how little that example doeth agree with that of which we ſpeake, and beſides, it is but à ſingle preſident à gainſt the poſſeſſion of all the former âges, and which is contrarie to the fundamentall Lawes of à State, for ye will not find that in Spaine, in England, in Stotland,

land, in Suedland, nor in any other Kingdonne where the Daughters may inherit, they haue been obliged and bound to renounce by their Mariage, to the hope they had to ſucceed to the Crowne when it will come to their turne.

Lewis VII. and Lewis VIII. being both Kings of France, haue been maryed with the Daughters of Spaine, and yet they did not require any renounciation from them. The three Daughters of Ferdinand King of Spaine, the foure Daughters of Philippe I. the two Daughters of Charles the fift, the two Daughters of Philippe II. and the two Daughters of Ferdinand I. who were all Daughters of Spaine, and maried to Princes which were Straungers, alſoe neuer made anie ſuch renounciation. Soe that not only that ſole example cannot preuaile to allow and make good the proceedings of Spaine, that to the countrarie the ſingular example of à double Mariage

which was then contracted, and the default of anie goods coming in the perſon of Anne of Auſtria, is an exception who does confirme the lawfulneſſe of all the former examples: and beſides that à thing which was neuer acted but once is of no conſequence at all, and ſoemuch the leſſe in this preſent coniuncture, that the renunciation who was made by Anne of Auſtria, being eſſentially void, they cannot induce anie aduantage by it, becauſe men ought not to make an example, nor to draw à conſequence, from an action which is done againſt the Common Law of Nations, and the fundamentall principles of à State.

THE FLEMMING. I confeſſe that this example is rare and vnuſuall, but at laſt the good of the general Peace, and the ratification of that Clauſe the King of France hath made ſince, are they not able to couer all the defects that might be found in that renunciation?

THE FRENCH. That Peace should be rather infringed and violated than confirmed by ſuch kind of Couenants; and I may ſay that they doe prophane it who make vſe of it to deſtroy the Rights and Prerogatiues of Conſanguinitie who are the moſt ſtrong bonds of Peace and vnion between Kings. But is there anie thing more ſtraunge than to ſay, that in conſideration of that Peace, the Queen and her Royall Iſſue, ſhall be depriued of all the titles and Prerogatiues of her birth, and that the Catholick King her Father and her Tutor may keep backe all the goods which belong to her, to giue them to his Children of the ſecond Mariage? Pray tell vs what that Peace hath to doe in common with that renounciation, ſince the Treatiſe of Peace ſpeakes not à word of it, and that the powers giuen to the Plenipotentiaries to make à concluſion thereof, doe not ſpeake anie word of that renounciation, nor of the

Mariage it ſelfe. As for the ratification of the moſt Chriſtian King, it may be of ſome conſequence, if there was no other nullitie in the Queens renounciation, than that defect of being authoriſed by the King her Eſpouſe [a]. But might one well conceiue that à renounciation which is made by à Daughter vnder age, to the aduantage of her Tutor, and the Children of his ſecond Mariage, without à portion giuen to her, without libertie, and without knowledge and authoriſation, of all thoſe rights and Prerogatiues wich were al ready befallen to her, and who of their owne nature can neuer be alienated, could be made lawfull by the ratificat'on of her hus band? Soe that ſupoſed, the Decree hath no reaſon to ſay that the renounciation is void, when the Daughter has receiued no portion; for there being nowoman but that she hath authoritie and power giuen to her by her huſband by her Contract of Mariage,

[a] Confirmatur res inualida ſi eius perfectioni obſtat ſolum diſſenſus habentium ratum, alioqui ſi alia obſtarent non confirmaretur ratihabitione. *Damaſc. tr. de Broc. memb. 4. n. 7.* Ratishabitione non validatur id quod nullum eſt. *Azeu. lib. 15. tit. 21.*

for all thoſe things wich are conuenanted thereof, à woman could neuer make any complaint of that renounciation they would haue extorqued from her by that, becauſe they would allwayes obiect vnto her, the authoriſation and the formall approbation of her huſband by their Contract of Mariage. Beſides if it is true that à huſband cannot in anie wiſe ſell ouer and alienate the rights and goods of his wife, how can it be poſſible that the moſt Chriſtian King could oblige the Queene by his ratification to loſe ſoe manie States and Soueraignties, which her ſelfe could not haue alienated? Pray giue me leaue to ſay, that we cannot without an hoſtile attempt to reaſon, beleeue that the ratification of the huſband should be more auailable and more efficacions than the ratification of his wife, for to depriue her from her owne rights. But after all that, Spaine hauing cauſed the Infanta to renounce poſteriouſly and after her

Mariage, by ſome ſecret Couenants and priuie acts, that the Spaniards could neuer dare to ſhew, what man is he that could imagine that the moſt Chriſtian King, could haue lawfully ratified thoſe priuie acts, hauing not ſeen them, ſince that according to all our principles, and the ſubſiſtance of á ratification, it cannot be done without á perfect knowledge of the buſineſſe, [a] and that the act it ſelfe be repreſented in good forme.

THE GERMAN. I had all ways beleeued that the Infanta had renounced by her Contract of Mariage: was it not done ſoe?

THE FRENCH. It is true that thoſe Miniſters who did Contract that Match in the abſence of thoſe eſpouſed perſons, couenanted betweene themſelues that the Princeſſe should renounce, but the renounciation it ſelfe was not taken from her but after that, by thoſe acts wich were neuer ſeen in France.

THE FLEMMING. Pray doe

[a] Ad hoc vt ratificatio ſibi vindicet locum, oportet, vt ille qui vult habere ratum, ſciat & cognoſcat, & comprobet quod factũ eſt. Aliàs nemo quod ignorat approbat & ratum habet. *Lancel. Tract. de attent. cap. 1. num. 72.*

me à fauour, let vs noe more trouble our ſelues vpon that Renounciation, and let vs come againe to the Rights and pretentions of the Princeſſe.

THE FRENCH. I doe conſent to it willingly, though I had manie more reaſons to deliuer vnto you, for that the Minoritie and vnder âge of that Princeſſe, the qualitie of Tutor in the perſon of the Catholick King, the Couenant made in behalfe of his Children of á ſecond Mariage, thew ant of power in the perſon of thoſe Miniſters who haue couenanted and agreed that renounciation, and the nullitie of thoſe ratifications made by the Queene ſince her Mariage, without anie authoriſation from the moſt Chriſtian King, are ſoe many powerfull arguments, who are handled more at large in that Manuſcript which I haue ſeen.

THE GERMAN. What need is it to inſiſt anie more againſt that renounciation? This Gentleman shewes enough that he is ſatis-

fied upon that point, vrging you as he does to goe on to the Rights of the Princeſſe, and formy part I aſſure you that it is now of no conſideration to me, after ſoe many arguments you haue been pleaſed to deduct vnto vs.

THE FRENCH. Since you will haue it ſoe, I come againe to thoſe Rights. They doe conſiſt as I haue noted to you heretofore, in the Dutchy of Brabant and thoſe lands which are anexed to it, the Lordship of Malines, Antwerp, High Gelderland, Limburg and the places vnited, Namur, Haynault, Artois, Cambray, Burgundy and Luxemburg.

THE GERMAN. You told vs that moſt of thoſe pretentions were grounded vpon a Right or Law of deuolution, which is praetiſed in many of thoſe States. will you be pleaſed to explicate and expound vnto vs of what qualification it is, and what are its effects among you, that things may be handled and vnderſtood more clearly, and without anie difficultie.

THE FRENCH. By this Law when one of the Eſpouſed perſons comes to die, the Children which are iſſued from theyr Mariage, are poſſeſſed of the proprietie of all thoſe Mannors which did belong to the ouerliuing of them; Soe that if it is the husband that ouerliue his wife, he has noe more after that, during his life, but only the vſe and profit of his owne Mannors, and the propretie of them doe belong to the Children, though their Mother neuer had anie ritgh at all in the ſame Mannors.

THE GERMAN. Is there any ſuch particular diſpoſition in the common Law of the land, or is it only á ſimple vſage that has introduced this Right.

THE FRENCH. It is the Common Lawes of the Land who are full of many diſpoſitions verie formall vpon that ſubiect.

THE GERMAN. Let vs examine them in particular, and begin by the Dutchy of Brabant, ſince it is the moſt Noble as the

moſt conſiderable of all thoſe Dominions.

THE FRENCH. Here followeth the words of the Cuſtome or Common Law of that Land, as much as my memorie can ſerue me, and that I might gather it out from the Latine tranſlation of the ſame. *If à man or à woman haue anie children, and that one of them comes to die, by the ſeparation of that Mariage, the propertie of thoſe Manors, who come from the ſide of the outliuer of them, comes to the Child, or Children who are come from the ſame Mariage, and the Ouerliuer hath noe more after that but à ſimple vſe or profit hereditary of thoſe Manors during his life time.*

Si vir vel vxor quibus liberi ſuperſunt moritur, ad prolem vnã vel plures, per ſeparationem thori proprietas feudorum prouenientium ex latere ſuperſtitis, deuoluitur, ſeruato ſupeſtiti ſolummodo eorumdem feudorum vſufr. hæreditario. *Cap. 1. art. 2.*

THE GERMAN. Now I conceiue this Right. But as there is many Laws that à contrary vſage doe diſannull and abrogate, is not this oue of that number?

THE FRENCH. It is ſo farre to be ſoe, that there is none whoſe vſage be more inuiolable. Kintſchot Chancelour of Brabant who

died in the yeare 1608. and which we may call with à good reaſon, the Oracle of his Nation, writes that by the common Law of that Dukedome, the propertie of the Manors, be they either come by inheritance or by purchaſe, goes from that inſtant of the diſſolution of à Mariage, to the Children of the firſt bed, without that thoſe of the ſecond Mariage may pretend any thing in the ſame [a]. Criſtinéus à famous Ciuilian of that Nation, hath ſaid, that the deuolution who is made by the death of one of the maried perſons, is à Kind of ſucceſſion that comes before hand to the Children of the firſt Mariage, from which thoſe of the ſecond are abſolutely excluded [b]. And Frederik Sandeús in à Chapter he hath ſpecially made of the principall matters of that common Law of Brabant, teſtifie that it is for the

[a] Conſuetudine generali Brabantiæ proprietas bonorum feudalium deuoluitur ad prolem, diſſoluto eo matrimonio, quo ſtante bona eiuſmodi fuere vnius vel alterius coniugum, ſiue ſint patrimonialia ſiue acquiſita, ita vt proles ſecundi matrimonij in ſucceſſione parentis, qui ſuperſtes fuit nihil ex talibus bonis conſequatur. *Reſp. 65. num. 1.*

[b] Notandum hîc eſt quòd deuolutio bonorum quæ fit per mortem alterius coniugum, fieri cenſetur quaſi per anticipationem ſucceſſionis, quoad proprietatem tantum. *In Conſ. Meklin. tit. 16. art. 4. in addit.*

respect of the first Mariage, and in consideration of the Children who are borne of the same, the deuolution has been introduced and is obserued in that Dutchy with à religious respect, and with à great deale of scruple [a]. The Decree who has been made of late in the high Court of Malynes, among the family of the Earle of Berghen, and that which was alsoe giuen not long agoe concerning the Marquisate of Bergen op Zoom, who was adiuged to the Counteſſe d'Auuergne, by the death of her father, though that Marquisate come from her mother, are soe many vnreproachfull witnesses of the vsage of the right of deuolution: Soe that the most Christian King hauing giuen order to propose the like question to one of the most famous of your Ciuilians, vpon some Names vnknowne to him, that consultation did answer in fauour of the Daughter of the first Mariage, against the sonne and all the other Children of the second Mariage.

[a] Ob honorem primarum nuptiarum & fauorem priorum liberorum, Brabantiæ moribus inductũ esse, vt matrimonio post mortem alterius coniugum soluto, tam superstitis quàm defuncti feuda deferantur communiter liberis, saluo tamen superstiti vsufructu feudorum ab ipso profectorum, siue ex hæreditate sibi obuenerint, siue ex industria quæsierit. *In Consf. Feud. Guelriæ & Zutphaniæ tit. 1. num. 1. §. 9.*

THE GERMAN. That being ſoe ſtaded I find no difficultie in that matter, ſince the vſage agrees with the Law, and that it tis conſtant the Catholick King did poſſeſſe the Dukedome of Brabant, when his firſt Mariage was diſſolued.

THE FLEMMING. That difficultie doe conſiſt in foure points which are materiall, and which it wil be of agreat concernment to be cleared before we goe through anie more vpon that matter of Rights,

THE FRENCH. Pray, Sir, tell me what may be thoſe foure difficulties?

THE FLEMMING. The firſt is, that the locall Cuſtumes cannot rule the ſucceſſions of Soueraingties; the ſecond that the deuolution not being an effectual Right, but à ſimple hope, who is not ſatisfied but by the death of him that out liues the firſt of thoſe maried perſons, the Princeſſe could lawfully renounce to the ſame. The third that all the

States of the low Countries were vnited in à ſole body by the Pragmaticke of Charles the fift in the yeare 1549. and cannot be enjoyed but by one and the ſame Soueraigne. And the fourth is that the Catholick King hauing left à Sonne, though he be of the ſecond Mariage, yet he excludeth the Daughter of the firſt, in this preſent ſucceſſion.

THE GERMAN. I doe confeſſe I did not foreſee thoſe objections, who notwithſtanding ſeems to me, verie materiall and eſſentiall.

THE FRENCH. You muſt be ſatisfied alſoe vpon the ſame, and y beleeue truly that they were rather made to try my capacitie, that vpon à doubt there should be anie difficultie in that matter. For Iam perſwaded that this Gentleman is too well informed of the Hiſtories of his owne Country, and has to much vnderſtanding as to propoſe them ſeriouſly to me. The publick Records of Brabant haue learned me that the

deuolution which is ſettled by the Cuſtome Law of Brabant is obſerued ſoe ſtriktly and ſeuerely in the ſucceſſion of à Soueraigne, and alſoe in reſpect of the Soueraigntie it ſelfe, that the ſame difficultie hauing been objected in the yeare 1250. betwixt the Duke in his owne behalfe, and his Sonne on the other, to know if that Duke who did enjoy that Dutchy of his owne, had loſt the propertie of the ſame by the Deceaſe of the Dutcheſſe his wife, by vertue of that deuolution; the Emperour [a] Henry did inuite together all the Princes of his Court, and after an inſtruction as large as the matter was illuſtrious, he gaue, at laſt his Sentence, according to their opinion, that the propertie did belong to the ſonne by the deceaſe of his mother, though she had

[a] Henricus Dei gratia Rom. Rex ſemper auguſtus; omnibus ad quos præſens ſcriptū peruenerit, gratiam ſuā & omne bonum. Notum facimus quòd cum Henricus maior filius Illuſtris Principis Ducis Lothar. matrem habuerit, & illa ſit mortua, per ſententiam Principum in Curia noſtra eſt iudicatum, quod ſi idē Dux de bonis quæ poſſidet, aliquid alienaret, vel in manus vellet transferre alienas, dictus Henricus ſe de iiſdem bonis poſſet intromittere & occupare licenter ad vſus ſuos & tenere. Datum Fridbergæ an. gratiæ 1250. prox. Dom. poſt Feſtum Paſchæ 4. Cal. Maij Indict. 3. *Buken troph. de Brabant.*

no right at all of her owne in the ſame Dutchy, and commaunded the Duke not to vndertake anie thing that might preiudice his Children I haue yet read in the ſame Records aletter written in the yeare 1273. by the Emperour Ralph the firſt, to Iohn Duke of Brabant, in which he does confirme mightily the power of that right of deuolution vpon the ſucceſſion of thoſe Dukes, and they cannot denye but that the Emperour Charles the fift after the death of the Empreſſe his wife, did ſoe well acknowledge that the propertie of Brabant was come to Philippe his ſonne, by the right of deuolution, that he made à publick proteſt that he could not confirme the vſages of that Country, nor meddle in any wiſe with their Priuiledges, but with à joint conſent with his ſonne. But if we fall from examples to diſputing to examine the locall Cuſtumes in the ſucceſſion of Soueraignties, there is nothing ſoe eaſie as to eſtablish the ſame,

for there is but three manner of lawes that may be made to rule or eſtablish the Soueraignties, that is, either that of the Soueraigntie it ſelfe, if it has anie in particular, or thoſe of the neighbouring Crownes, or that of the Nation. As for the particular Lawes of euerie Kingdome, t'is conſtant that where there is anie one, men are of neceſſitie bound to obſerue them, as in France the Salicque Law, in Poland and in many others States of the North the way of Election. But where noe particular Law is to be found, I hold conſtantly that it is one of the greateſt errours that may be, to pretend that the ſucceſſion of the Soueraigntie may not be ruled by the Cuſtume of the Land, ſince it should be ruled in that caſe by the Law of the neighbour Cuſtumes, who would be an iniury to the ſame, or elſe to hold that it ought not to haue neither rules nor principles to determine to whom it muſt belong, which would be the

moſt Straunge abſurditie of all. There is not alſoe any Ciuilian of Spaine, nor of anie other Nation whatſoeuer, who did euer make à doubt of the power the Cuſtome has in the ſucceſſion of Soueraignties who haue no particular Lawes. As witneſſeth Molina, Ioannes Garieres, and Couarruias, who doe aſſure with à common conſent that the Crown of Spaine being the firſt Mayoraship of the Kingdome, it muſt conforme it ſelfe indiſpenſably to the Lawes that the Cuſtomes of the Countrey haue introduced for thoſe Mayoraships. But that which may deceiue the common people in theſe occaſions, is that they make à confuſion of the perſon of the Soueraigne with the land of the Soueraigntie, though they be twothings which differ infinit-

[a] Ipſum Hiſpaniarũ regnum veriſſimum maioratum eſſe ad præciſum ordinem primogenituræ: hoc autem adeo verum eſt vt ſecurè ac confidenter dici poſſit non ſolùm Hiſpaniarũ regnum; verum maioratum eſſe, imò regnũ ipſum eſſe caput omnium Hiſpaniarum primogeniorum, ab eoque cætera primogenia tanquam à capite deriuari, ſuccedendíque rationem accipere, adeo vt ſi de ſuccedendi ordine in Hiſpaniæ maioratibus contendatur, ea lis ſit ſecundùm leges ad regni ſucceſſionem inſtitutas decidenda. *L.* 16. 1. *cap.* 20. *num.* 10. *Ioan. Gat. cap.* 4. *lib.* 20. *cap.* 14. *num.* 58. & 59. *Couarr. Var. Reſol. lib.* 3. *cap.* 5. *num.* 8.

ly among themſelues, for in reſpect to the Soueraigne as long as he liueth, his reaſon is the ſoule of Cuſtumes, but as to the Land of that Soueraigntie being vacant by the death ot the Prince, the Cuſtume is the ſoule and the Spirit thereof, and it is that alone that giues it the motion to fall in the hands of him who collects it lawfully, when there is no particular Law to admit the ſame. In à word you muſt conſider that we doe not entreat heer of the Soueraintgtie as à Soueraigntie in it ſelfe, but as it is an inheritance, neither of the Royalty liuing, but of the Royalty dead and ſouleleſſe, who in this ſtate is not an actiue power to make Lawes, but à Manor, an inheritance, à right, à ſucceſſion, which muſt haue its rules certaine, and who cannot haue any others than the general Cuſtume of that land, when there is none in particular.

THE GERMAN. They doe practiſe it ſoe in the States of Germanie.

THE FRENCH. Say, Sir, if it pleaſe you, amongſt all the Nations of the world, who are gouerned by reaſon. And after that I make no doubt but you haue been ſurpriſed as well as I was, to heare that propoſition, that the Queene might haue lawfully renounce to that which was her owne by the right of deuolution, being, as they ſay, but à ſingle hope, and not an effectual right befallen to her. For beſides that the renounciation which they haue obliged her to doe, cannot be made good by all the Arguments we haue examined; you know that according the 2. Article of this Cuſtume which introduceth the deuolution, the Children which are borne of that Mariage are poſſeſſed of the propertie thereof, from the inſtant of the deceaſe of him that dies the firſt, and that there is noe more left to him that ouerliues after, but à ſingle profit and annuall reuenue during his life: Soe that he cannot in anie wiſe meddle with the pro-

pertie thereof, as it was iudged by that famous Sentence of the Emperour and of all the Princes and Lords of his Court as I haue noted before. And you know alſoe that all thoſe Ciuillians who haue writen vpon the ſame, doe call this right à ſucceſſion before hand, which is verie oppoſed to à ſimple naked hope.

THE FLEMMING. T'is à Straunge thing that you will diſpute me that point, for it is à conſtant veritie that Children cannot diſpoſe of ſuch goods, nor enioy them vntil they liue after the death of their father and Mother, and conſequently all the right they haue in the ſame is nothing elſe but à ſingle hope in caſe they be the heires of that eſpouſed perſon who has ouerliued the other.

THE FRENCH. Sir I pray you let vs deale without partialitie, and more freely; your Cuſtume will that after the deceaſſe of one of thole vnited perſons, their common Children are made pro-

prietaries and owners of the manors of him that outliueth the other vnited perſon. Moreouer they ordaine that if thoſe Children die before the ouerliuing, the propertie which he hath loſt of thoſe Manors, by the right of deuolution, comes te him back againe. All your Ciuilians doe write that by virtue of thie right, the Children are ſoe efficaciouſly put in poſſeſſion that the outliuer cannot diſpoſe them in anie manner whatſoeuer, nor change, alter or diminish the ſame Finaly it has been iudged in the Imperial Court of Spire, that a Father who hath doated his Daughter but of thoſe goods which were deuolued by the deceaſe of his wife was not reputed to haue doated her, becauſe thoſe goods did not belong to him, but to his Daughter: and notwithſtanding all theſe authorities you would make vs to beleeue that the right of deuolution does neither transferre the proprietie of Manors nor any real thing to the

Children of that Mariage. If it is ſoe you muſt abolish your Cuſtumes, condemne your Ciuilians, and ouerthrow your common vſage; for although the Children cannot diſpoſe nor enioy during the life of the outliuer, of thoſe Manors, they are neuertheleſſe the true owners of the ſame. Soe that in matter of à Dowry and of à Donation made in caſe that the giuer outliues, the Children Dowagers, and the Donatoryes are the true owners, though they cannot enioy nor diſpoſe of any thing but after the death of the Father or the giuer.

THE FLEMMING. I doe not deny that the Cuſtume, the Ciuilians, and that Decree of the Imperial Court, of Spire doe giue the propertie to the Chidren of him who outliues the other. But haue you ſeen à certaine. Treatiſe concerning that Right of deuolution which was but of late printed at Bruſſels.

THE FRENCH. Is it not

that which has been writen by an Officer of his Catholick Maieſtie in the Councell of State of Brabant.

THE FLEMMING. It is the ſame.

THE FRENCH. I read it.

THE FLEMMING. Then you haue ſeen how he prooues the Cuſtume did not expreſſe it ſelfe as it ought haue done, that the Ciuilians did deceiue themſelues, and that the Imperial Court of Spire did not vnderſtand well the nature and effect of that right of deuolution. Doe you not beleeue him to be à verie Learned man?

THE FRENCH. He is not only verie capable, but beſides he ſeems to me à verie honeſt man, for there ſhines ſuch à ſinceritie in his Booke that I hold it more conſiderable than all the Learning of the world; Did you obſerue with what freeneſſe this Author (who wanted no capacitie to turne aſide thoſe difficulties) hath Spoken of that deuolution?

he concedes that it is à priuiledge to the first Mariage against the second [a]; he agrees that the effect of this right is to put in possession the Children from that moment the Mariage is dissolued [b]. He aduoweth that those of the second Mariage can pretend nothing in the same, that may turne to the preiudice of those of the first [c]. And he confessed also that à Daughter of the first bed doe exclude à male of the second [d]. for my part I see nothing to be more honest than the sinceritie of that man. T'is true he charges the Custumes, the Ciuilians, and

a Apud omnes quidem gentes cultiore est aliquis honos & prærogatiua primarum nuptiarum, & liberorū qui ex iis geniti sunt: sed nusquā tanta quam apud Brabantos & vicinas aliquot nationes, apud quos dissoluto primo matrimonio, siue secundum sequatur, siue non, liberis ipsius thori obueniunt bona omnia immobilia vtriusque parentis, *&c. Stockm. cap.* 1. *fol.* 1.

b Deuolutio statim à soluto matrimonio bona superstitis parentis liberis addicit. *Stockm. cap.* 4. *fol.* 31.

c Liberi primi coniugij excludunt liberos secundi ab eorumdem bonorum successione, *&c. Stokm. cap.* 1. *fol.* 7.

d Ius deuolutionis quod viget inter priuatos adeo benignum est liberis primi thori, & ita alienum à liberis secundi thori, vt si contingat vnicam supersse filiam ex primo, & masculum ex secundo, filia masculum omnino excludat à bonis deuolutis, *&c. Stockm. cap.* 18 *fol* 126.

the Imperiall Court of Spire to haue deceiued themſelues [a]. But could he ſay leſſe being neceſſitated to ſpeake in fauour of that Cauſe he did write for, or rather could he more plainly condemne the ſame, than in acknowledging that it is quite contrarie to the words of the Cuſtume, to the meaning of the Ciuilians, and the Decrees of the firſt Companies of Germanie.

[a] *Fol.* 9. 12. 13. 44. 47. & 121. *Annal. lib.* 1. *fol.* 6.

THE GERMAN. I would be curious to ſée that Booke; For I confeſſe that if he does acknowledge thoſe things to be ſoe, it is à ſtrong argument in their behalfe.

THE FRENCH. If this Gentleman will take ſoe much paines, as to ſend for it, I will make you obſerue all thoſe places.

THE FLEMMING. Is it ſoe that you take your owne aduantages? you beleeue him to be ſincere, as you ſay, and neuertheleſſe you will not beleeue him when he tells you that the Cuſtume and thoſe Ciuilians did deceiue themſelues.

THE FRENCH. Giue me leaue to reply you that though I hold him to be ſincere, you muſt not by that draw à conſequence that I hold him to be infallible, or that I ought to preferre his owne particular ſenſe to the authoritie of Cuſtumes, who are the opinions and vniuerſall ſence of the three Eſtates of à Country aſſembled in Parliament; if by his Booke he had proued that the Lawes, the Ciuilians, the vſage, and the Decrees ought to giue place to his owne opinion, I would neuer reſiſt againſt it, but he forgot to doe it.

THE FLEMMING. Let vs goe on Sir, what doe you anſwer to the Pragmatique made in the yeare 1549. who hath vnited all the diuers and ſeuerall Dominions of the Netherlands in one ſole body, to be alſoe enjoyed by one and the ſelfe ſame Soueraigne.

THE FRENCH. Excuſe me if I ſay that you ſhould be diſaduowed by all the States if you had made this propoſition in à publick

Aſſembly, for there is nothing ſoe much contrarie to the publick Records and deſires of thoſe Prouinces. And I pray tell me, haue you forgotten that which is ſoe often ſpoken of in your owne Chronickles, that it is true this Emperour had in mind to reunite in à ſingle Monarchicall body all thoſe Soueraignties which he did appoint for the Prince Ferdinand one of his ſonnes, but that he found ſuch à contradiction ſo openly and to be ouercome with ſoe much difficulties in all the ſpirits of that land, and that the diuerſitie of the ſeuerall Lawes and Cuſtumes was to him ſuch an impediment and ſoe difficulteous to be ouereome, that he ſuddenly did forſake the work. Thoſe words which I read in the learned and iudicious Grotius, begin to come againe in my memorie, and I beleeue they may verie well ſerue for to diſabuſe and take off from you thoſe errours you haue vpon that matter. *Heretofore ſaith he, Charles the fift tooke à*

reſolution to alter the Gouernment of that land, and he framed that deſſigne, when he ſaw that for à product of the victorie he had gotten at Pauia, the Counties of Flanders and Artois were freed from the Soueraigntie of the King of France; but he found the manners, the Lawes, and the Cuſtumes ſoe contrarie to his deſſigne, that he gaue ouer hope to haue any ſucceſſe in the ſame, and forſooke the thought it ſelfe he had of it, not hauing had almoſt the heart to make à propoſiiion of the ſame. But if after this teſtimony and Euidence there remaines yet with you anie ſcruple, be pleaſed to remember that Philippe II. Charles the fift his Sonne, in that confirmation he has made of the Priuiledges of Brabant, ſaieth that the only States that should for euer be vnited with Brabant, were Limburg, Antwerp, and thoſe Lands which are ouer the Maes, and that the ſame Prince in giuing the Infanta Iſabella her portion vpon all thoſe Soueraignties he did poſſeſſe in the Netherlands,

did forbid her to diuide and ſeparate them without his conſent; which he would not haue done if they had been all vnited and incorporated by that Pragmatick of Charles the fift made in the yeare 1549. it is true alſo that there is not à word in the diſpoſitiue of that Pragmatick concerning that Vnion, and there is no Author at all that euer did ſpeake of it; to the Countrarie we ſee that the Catholicke King reſumes vpon himſelfe amongſt his qualities, all the Titles of them ſeuerally and verie diſtinctly, and moreouer that he hath à particular Seale for euery one of theſe States, ſoe much it is true, that he does poſſeſſe them diſtinctly and being diuided the one from the other; but whoſoeuer did read that Pragmaticke will know verie well that it was made but to introduce the repreſentation in the Succeſſion of the Soueraigne, to hinder thoſe States who by the defect of à repreſentation were expoſed to ſoe many and fre-

quent chaunges and alterations, might not be soe easily separated by à diuersitie of Custumes, of whom some did admit à representation, others did reiect the same; which is à thing directly contrarie to that vnion alleaged, seeing if therewas such an vnion, it would haue been superfluous to introduce the representation, to let the separation to be soe frequent commonly as it could haue done without the representation, of whom none will say that its effect is to gather and to vnite those things which are diuided the one from the other, otherwise since men haue succeded in the world by representation, all the inherited lands should be come inseparable. Soe that all they may more reasonnably inferre from this Pragmatick, is that the Succession of Souueraignties is ruled by the Custumes, when there is no other particular Law that allowes them, since the Emperour Charles the fift to disannull the disposition of those Custumes in

his houſe, in that which did concerue the repreſentation, was bound to make an Aſſembly of all the States of the Land, and to make with them à ſolemne Pragmatick or Statute. I come now to the laſt of your obiections concerning the preference of the male of the ſecond bed, ouer the Daughter of the firſt: and becauſe I ſee you hold it the moſt ſpecious of all, I will shew you in few words that by reaſon it is that whichis the moſt vulawfull;that in order to the Succeſſions of Brabant it is impoſſible:and laſtly that the Cuſtume withſtands and condemnes the ſame by many Articles verie materiall for the ſubiect.

THE FLEMMING. If you can giue à good proofe of all thoſe things, I will moſt willingly yeeld to be of your ſide, but I doubt verie much that you be able to doe it.

THE FRENCH. You shall not deny that the right of deuolution is à fauour that the Law of the land, or the Cuſtume was willing to beſtow vpon the firſt Ma-

riage, againſt the ſecond. The Doctor Sandéus has writen that this Law was inſtituted for the honour of the firſt Mariages, and in behalfe of Children which are borne of the ſame [a]. Criſtinéus [b] ſaies that the ſecond Mariage does ſoe much alter and leſſen the aduantages and affections of thoſe firſt Matiages, that the Cuſtume thought it behooueth its iuſtice and equitie, to graunt them an indemnitie, by the Right of deuolution it has brought in; and Kintſchot did teſtifie that this indemnitie was ſo ſacred à thing and ſoe much reſerued for the Children of the firſt bed, that thoſe of the ſecond can neuer pretend any thing in the ſame, as long as there is anie liuing of the firſt Mariage [c]. Now that being ſoe, can men conceiue that à right that has no other obiect but to fauour the firſt Mariage, and an aduerſion againſt the ſecond, be pulled away by violence from the Children of the firſt Mariage who by the Cuſtume are

[a] *In conſuetud. Feud. Gueldriæ & Zutphan. tr. 1. tit. 1. §. 9.*

[b] *In conſuetud. Mecklin. tit. 16. art. 4. in addit.*

[b] *Reſp.. 65 num. 1.*

made poſſeſſors of the ſame, to giue it to the Children of the ſecond, againſt whom it was eſtablished by that Law. You ought not to preuayle your ſelfe here of the prerogatiue of the ſexe, for in matter of deuolutions they doe not compare the ſexes to giue the aduantages to that which is the more noble, but they doe conſider the ranke of thoſe Mariages, to giue thoſe prerogatiues to the firſt againſt the laſt. Pray, were it not à thing moſt ſuperfluous to graunt à right to the Children of the firſt bed, to indemnifie them of that preiudice they might receiue from thoſe of à ſecond Mariage, if they would oblidge them to yeeld the ſame againe and giue it to the Children of that ſecond Mariage? It is enough for all arguments to ſay that the deuolution being à kind of penalty and indemnitie againſt the ſecond Mariage in behalfe of the firſt; men canneuer depri- them in behalfe of the laſt, becauſe it would be ought that

againſt the Nature of things the reward should become à penalty, and the penalty should be à recompenſe. I ſay then that your preferring is verie vnlawfull in the iudgement of reaſon: But going further I adde more that in à morall ſence it is impoſſible in order to thoſe ſucceſſions of Brabant: but the reaſon is that the Children of the firſt bed being put in poſſeſſion from that moment that the Mariage was diſſolued, of the propertie of all the Manors of him that outliues the other, this propertie is no more to be found in the poſſeſſion of the Father when he comes to à ſecond vedding, nor in his ſucceſſion when he dies, and conſequently it is impoſſible for the child of that ſecond bed to ſucceed to the ſame Manors. And if they would eſtablish that preference of the male of the ſecond bed, to the Daughter of the firſt, it would be à neceſſitie that the Manor be found among the goods of the Father at the time of his

deceaſe, ſince they cannot ſucceed or inherit but of thoſe goods which did belong to that party deceaſed. So that being depriued of all kind of propertie, and reduced to à ſimple profit of the reuenue during his life, it is à thing which is impoſſible to be done, that he may leaue to thoſe Children of his ſecond Mariage, that which he was nomore poſſeſſor off when he contracted that Mariage of whom they are borne. But to make this argument more cleare, let vs ſay, if you pleaſe, that the Cuſtume hauing put in poſſeſſion by the right of deuolution the Children of the firſt Mariage, of the propertie of the Manors belonging to the outliuer, it should be ought to make the ſonne of the ſecond bed able to ſucceed to this propertie, that it be come againe to the Father, and that the ſonne of the firſt bed should haue been diſpoſſeſſed of the ſame, which could not be done but by theſe three wayes, eit her by the diſpoſition of the Cu-

ſtume, or by the will of the outliuer, or by the common Law. Now you will not ſay that the Cuſtume who gaue that right to the firſt bed will take it away from the ſame to reinueſt the ſecond Mariage, from whom its intention was to take it off. They will not ſay alſoe that the outliuer who was diſpoſſeſſed of the ſame, hath had any power to draw it away from his firſt bed to get it ouer to the ſecond; and as for the common Law, we know that all its inclination as well as all its diſpoſitions, are allwayes fauourable for the firſt Mariage againſt the ſecond. Let vs then conclude that the preference you would haue put in, is impoſſible in order to the ſucceſſions of Brabant, and giue me leaue to make an end by ſhewing you that it is alſoe condemned by the expreſſe diſpoſition of the Cuſtume of the land. This Cuſtume hauing diſtinguished the Manors who did belong to the outliuer at that moment of the

diſſolution of his firſt Mariage. From thoſe who are befallen him, or that he hath purchaſed ſince his ſecond Mariage, enacts and requireth by its ſecond and third Articles, that the Children of the firſt bed ſhall haue the propertie of all thoſe Manors that the outliuer did poſſeſſe when the other vnited perſon is deceaſed, and requires alſo carneſtly that the Brethren and Siſters doe ſucceed to the ſame, the one after the other. That being ſuppoſed is not your ſaid preference directly contrarie to this Law? Since the male of the ſecond bed, would hinder contrarie to this formall text, the Siſter to ſucceed to her brother of the firſt bed; You haue ſeen alſo that Kintſchot, that great Chancelour of Brabant did ſay verie preciſely that the Children of the ſecond Mariage could neuer aske any thing in thoſe Manors, ſoe long as there was any Children of the firſt: which Criſtineus and Sandeus doe confirme, when they ſay that the right of

deuolution is to be applyed to none but to thoſe Children who are common betwixt the party deceaſed and he that outliues the other. But you muſt ſoe much the leſſe withſtand thoſe truths, that being of that Countrey, you know well that the general rule of all thoſe Cuſtumes, is to preferre the Daughter of the firſt bed to the male of the ſecond, and effectually that thoſe of Haynaut, of Malynes, of Namur, and many others, haue ſettled ſome Clauſes ſpecially for that purpoſe.

THE FLEMMING. It muſt be then that againſt the order of nature, as well as againſt the Ciuil Gouernement of all the world, the brother doe obey and be ſubiect to his Siſter.

THE FRENCH. Pardon me, it will not be ſoe, for the Catholike King will commaund in his owne Dominions, and the moſt Chriſtian Queen in thoſe wich doe belong to her; without hauing anie power the one vpon

the other. Moreouer I ſay that you doe acknowledge your ſelfe that the ſame is practiſed euerie day in Brabant, for that the Daughter of the firſt bed carrying away the Manors of the outliuer, by preference to the Sonne of the ſecond Mariage, by reaſon of that right of deuolution, it happeneth oftentimes that the brother doe enioye and poſſeſſe ſome goods which are depending and in the tenure of his Siſter. But after all that, what can you reply to your owne Chronickles and publick Records, vho teach vs that Elizabeth of Auſtria, which was borne of the firſt Mariage of Philippe II. did poſſeſſe all the Dominions of the Netherlands, to the excluſion of Philippe III. her halfebrother, who was borne of the ſecond Mariage of the ſame King Philippe II.

THE FLEMMING. You will not find anie other example, but only that one, which may iuſtifie, that there was euer anie Daughter of the firſt bed who did exclude

à male of the ſecond, from the poſſeſſion of that Dutchy.

THE FRENCH. You ſhall find none alſo to proue that euer àmale of the ſecond bed hath been preferred in the ſame to à Daughter of the firſt, for from that time that this Dutchy doe ſubſiſt, this concurrency of a Daughter of the firſt bed with à male of the ſecond, did neuer preſent it ſelfe before this only, where you ſee that the Daughter was preferred.

THE FLEMMING. The Dutcheſſe Elizabeth or Iſabella, was not preferred by vertue of the right of deuolution, but she did receiue thoſe Dominions from the King Philippe her Father, who beſtoweth them liberally vpon her, in fauour of her Mariage.

THE FRENCH. Pray conſult your owne Chronicles, and they will tell you, it is true, that Philippe II. to honour himſelfe by an imaginarie liberalitie, gaue to Iſabella all his Dominions which did belong to him by the Right of deuolution. You will euen ſee

by your owne Records, that all the States of that Dutchy did Proteſt that this Donation might not make anie preiudice to their Rights, Cuſtumes and Priuiledges, and that notwithſtanding that Contract, they will allwayes regard Iſabella as their naturall and lawfull Soueraigne Lady [a]. And if your curioſitie beares you anie farther, you may ſatisfie your ſelfe at large by the Hiſtorie of the Netherlands, writen by Grotius [b], where we read that Philippe II. was willing to giue theſe Prouinces to Iſabella, not only to bring the Rebels againe to their dutie, but alſo to aſſure the ſame Dominions to her by this partage, againſt all the impediments that ſome day or other might be giuen her by her halfe

[a] Scripto Ordinibus caueat duodecimum ceſſionis articulum Belgicarum Prouinciarum libertati & priuilegiis nihil derogatum, aut detrimento fore. Ordines Brabantiæ per ſuum Grapharium ſententiam protulerũt; quæ palam pronunciauit Ordines ita cenſuiſſe, ſe Alberto Archiduci Sereniſſimæ Infantis nomine tanquam Principis legitimæ harum Prouinciarum iusjurandum præſtituros, ſi viciſſim eis iurjurandum præſtetur de obſeruandis patriæ priuilegiis, & de iis ſarciendis quæ contra maiorum inſtituta & auſpicia innouata, aut abrogata ſunt.

[b] Dotem Philippus Burgundiam cum Belgica dixerat, vt legitimæ hæredi aduerſus fratrem minorem diuiſione conſuleretur. *Lib. 6. an. 1597.*

brother, though she was the lawfull heire of the ſame. Who did make ſuch an impreſſion vpon all thoſe peoples hearts ands ſpirits, that it was the cauſe that about the ſame time, Chriſtineus, Kintſchot, Bucken, and all the other famous Ciuilians of that Nation, exhauſted themſelues vpon the matter of that right of deuolution, to shew to their Princeſſe that it was that title of the Law, and not the Donation of the King her father, who maketh her to be the Soueraign Lady of Brabant.

THE GERMAN. This example as well as thoſe proteſtations ſeems to me to be verie important and of à great conſideration to ſupport that Right of the Daughters of the firſt bed, againſt the males of the ſecond, in Brabant, but it may be that this Gentleman will tell vs ſome other to the contrarie.

THE FRENCH. It would be à verie hard matter for him to doe it; for all the Dukes of Bra-

bant who hath had many wiues before Philippe II. are Geffrey III. Henry I. Henry I I. Iohn I. Anthony of Burgundy, and Philippe the good. Now it is verified that after the death of thoſe Dukes, it was euer either à Sonne of the firſt bed that did ſucceed to the Dutchy, or à Sonne of the ſecond, there being no Children of the firſt as was Iohn II. or à Sonne of the third bed, there being none of the firſt, nor of the ſecond, as was Charles the Hardy who was borne of the third Mariage of Philippe the good, who left none of his two firſt Mariages.

THE GERMAN. I am fully perſwaded as to the Dukedome of Brabant in behalfe of the Queene, and if her Right is ſoe well ſettled vpon thoſe other States, as it is vpon this, I beleeue none can withſtand it without opiniatiueneſſe and obſtinacy.

THE FRENCH. The reſidue of thoſe Rights is noe leſſe well iuſtified as that is, and may be cleared in few words: for all tho-

ſe obiections and anſwers which you haue heard, are well applyed vpon the continuance of all the others.

THE FLEMMING. Pray then, let vs continue, if it pleaſe you.

THE FRENCH. The Lord ship of Malynes doe belong to the Infanta, by the ſame Right of deuolution. The 15. Article of the title 10. of that Cuſtume is formall for that. [a] And Criſtineus in that learned Commentarie he gaue to the publick vpon that Cuſtume, doe formally teſtifie that all the fiefs of the outliuer, be they either come by purchaſe or by patrimoniall inheritances, doe belong by Right of deuolution, to the Children of the firſt Mariage, from the moment of the diſſolution of the ſame. And moreouer he ſayes that this Cuſtume is euen more ſeuere in that point than that of Brabant, that it giues to the Children of the firſt bed all thoſe Manors who are eſcheated to the

[a] Si vir aut mulier quibus liberi ſuperſunt relictis feudis diem ſuũ obeat, tum ex maritis is qui in vita manet, vſufructum habebit in omnia commoda accidentaria, Patronatus feudales, & in arces feudales, neenon ſemiſſem in obuentiones certas, proprietas eorumdem feudorum tamen ſtatim ad liberos deuoluitur.

outliuer by ſucceſſion during the time of his ſecond Mariage, to the preiudice and to the excluſion of the Children who iſſue from the ſame, which is not in Brabant. [a] As for that that concernes Antwerp, which is one of the cheife fiefs and Manors of Brabant, the Princeſſe is called to it by three titles, the firſt is that of the Cuſtume who calls in the deuolution; the ſecond is the Vnion which was made of that Marquiſate to the Duchedome of Brabant by Philippe the Hardy [b] Duke of Burgundy, and renewed

[a] Etiam notandum venit quòd ſecundùm antiquam Meklin. Conſtitutionem, & ferè per vniuerſam Brabantiã ſuperſtes altero coniugũ mortuo, vſufructuarius redditur ſuorum bonorum, ſiue induſtria quæſita sũt, ſiue hæreditate obuenerunt, eorum proprietate ſtatim ad liberos pertinente, qui hæredes futuri ſunt, deuoluta, qui ſi ante eum moriantur, proprietas denuo ipſi cum vſufr. conſolidatur, & id propter ſpem redituræ proprietatis hæreditarius ille vſufructuar. appellatur, atque hinc eſt quòd proprietariis non liceat, quamdiu in vita eſt vſufr. eam proprietatem vel vendere, vel oppignerare, vel vllo denique colore onerare, vti colligi poteſt ex generali ſtatuto & conſuetudine Brabantiæ, & particularib. *&c. In conſuetud. Meklin. tit.* 16. *art.* 24. *num.* 25.

[b] In perpetuum Antuerpia, & quidquid ad eam pertinere oſtendi poterit ciuitatibus communíque Brabantiæ Prouinciæ coniuncta manebit, *&c. In the yeare* 1549. *in the reception of Philippe* II. *for à Prince of Brabant, chap.* 40.

of late by à publick and ſolemne act of the Emperour Charles the fift, wherein he declares the ſame to be inſeparable from Brabant. And the third is the vſage who has ſtated inuiolably that all thoſe fiefs which are depending from Brabant, where ſoeuer they may be found to be ſcituated, be it either within or without the Dukedome, are diſpoſed off and ruled for the ſucceſſion, by the feodall Cuſtume of that Dutchy.

High Gelderland admits alſoe by à ſpeciall clauſe the Right of deuolution, and following the example of that of Malynes doe preferre the Children of the firſt bed to thoſe of the ſecond, euen for thoſe Manors, which are only eſcheated ſince the ſecond Mariage [a]. we find in Sandeus his Commentaries vpon the ſaid Cuſtume à Solemne Decree of the Imperiall Counſell of State, who did iudge it ſoe in behalfe of the Lord Tautainburg, againſt the Children of à ſecond

[a] Quorumdam locorũ vſu, apud Brabantos videlicet ſuperiori Gueldria, atque alibi, ex primo matrimonio ſuſcepti liberi poſterioribus, tam in feudo quàm in allodiis immobilibus præferuntur. *Fridericus Sandé in Gal. conſ. fund. tr. 1. tit. 3. §. num. 3.*

bed, who would haue à part in thoſe Fiefs which were eſcheated and come in during their time. The Right of the Queen vpon the Countie of Namur is ſo cleare and ſoe euident, that it will ſuffiſe for all proofe to expound the two clauſes of Cuſtume who doe eſtablish the ſame. The ſeuentie nine introduceth the deuolution in behalfe of the Children of the firſt Mariage [a]. And the eightie and two ordaynes [b] that the ſame Children shall ſucceed to thoſe vn moueables goods who were brought in Mariage, eſcheated or purchaſed during all the time he did laſt, to the excluſion of the Children of anie other

a Vvhen tvvo vnited perſons vvil bring real goods in Mariage and that one of thoſe vnited perſons comes to end his life by death, leauing ſome Children procreated of them both, the propertie of the goods shall goe and shall be deuolued by and immediatly after the ſaid deceaſe, to the ſaid Children, reſerued that the outliuer shall haue the profit of them during his life.

b Moreouer the Children of the firſt bed shall ſucceed to thoſe immouable goods vvhich vvere brought in Mariage, eſcheated or purchaſed during the ſaid Mariage, by their Father and Mother, to the excluſion of Children that should be borne of anie ſubſequent Mariages, and ſoe likevviſe the Children of the ſecond bed, shall ſucceed to the goods eſcheated, purchaſed, or brought in as aforſaid, in the ſaid ſecond Mariage, to the excluſion of the firſt.

ſubſequent Mariages. I beleeue there is no body but he may eaſily draw off the conſequences of theſe two Articles, and that may not alſoe iudge that this Earldome of Namur belonging heretofore to the late Catholick King during his firſt Mariage, the Princeſſe which comes from the ſame, has à full and plaine right in it. Let vs now come to the Dukedome of Limburg who is vnited to that of Brabant by an vnion which is ſoe old and ſoe ſtrict, that by the general conſent of the Land they make but one ſingle and the ſame Soueraigntie, and they haue but one Seal and one Chancelour for them both, though all the other Dominions haue their owne in particular; and truely, the Emperour Charles the Fift and the Prince Philippe his Sonne in imitation of their Predeceſſours, did ſolemnly proteſt in the yeare 1549. that the Dutchy of Limburg and thoſe places which are ouer the Maes, should for euer remaine inſeparably vnited to the Duke-

dome of Brabant [a]. Therfore the Rights and pretenſions the Queen has vpon that Dutchy, doe neceſſarily call to her the ſame rights vpon Limburg which cannot be ſeuered from that. As concerning the Hainault, t'is conſtant that it is à Soueraigntie in freehold or free tenure, who according to the common ſaying, and the publick Records of that land, acknowledges no body, but God and the Sun, for Lord and Dominator [b]. And it is from that qualitie that the Queen drawes her firſt Right vpon that Earldome, for by à ſpeciall Clauſe of the Cuſtume [c], it is ſaid that the

[a] Prouinciæ noſtræ Limburgenſis, & Tranſmoſanæ in perpetuum coniunctæ manebunt cum Prouincia noſtra Brabantia, neque vnquã ab ea diuelli poterunt, *&c. In the act. of reception of Philip. II. chap.* 12.

[b] Comes Hannoniæ vulgò dicitur tenere ſuam ditionem à Deo & Sole, id eſt, à nemine mortalium. *Cap.* 3. *num.* 9. *fol.* 12. *lib. de Feud.*

[c] The patrimoniall free tenures shall belong to the Children of the firſt Mariage, Sons or Daughters, and not to the Children of the ſubſequent Mariage; but if they should come to eſcheate collaterally during à ſecond or third Mariage, they shall belong to the Children of thoſe Mariages reſpectiuely, the ſame shall be obſerued as to the free tenures purchaſed, vvhich alſo shall belong to the ſons and Daughters of euerie Mariage or viduitie of the ſame, vvherein thoſe purchaſes shall be made, or to their poſteritie. *Art.* 4. *Chap.* 105.

patrimonial free tenures ſhall belong to the Children of the firſt Mariage, and not to thoſe of the ſubſequent. But notwithſtanding, if Spaine will hold againſt the faith of the publick Chronicles, as well as againſt the truth of thoſe euidences, that it is à fief and not à free tenure, the Queens Right will neither be leſſened nor weakened by that, ſince that all fiefs which are come by purchaſe, according to the diſpoſition of this Cuſtume doe belong to thoſe Children borne from that Mariage who purchaſed the ſame, though they be females, to the excluſion of thoſe of the others Mariages notwithſtanding that they be males a. Let it be ſoe then that the late Catholicke King did inherit of this Earldome during his firſt Mariage as heritor of the Princeſſe Elizabeth his

a All fiefs purchaſed by Father or Mother during their Mariage, or their viduitie, ſhall belong and vvil be eſcheated to the Children of that Mariage or viduitie, in ſuch order as here to fore has been ſaid. *Art.* 3. *Chap.* 91. As for thoſe fiefs eſcheated in collaterall line, or purchaſed in à firſt Mariage, though there be but

Daughters of that firſt Mariage the Father cannot make anie alienation, becauſe Children be they either ſons or Daughters muſt ſucceed in thoſe fiefs that ſhall be purchaſed or eſcheated collaterally during euerie Mariage. *Art.* 9. *Chap.* 94.

Aunt, or as donatorie of Philippe II. his grand Father, who gaue it to the Princeſſe Iſabella in behalfe of her Mariage, vpon this condition that it should come back againe to that King of Spaine who should reigne at that time, if she should die without iſſue. Tis certaine that in this two caſes it was à true purchaſe in his perſon: for be it ſuppoſed that it be as heritor of his Aunt, the Cuſtume declares that all the collaterall ſucceſſions are à purchaſe [a]. And if it is as Donatary of Philippe his grand Father, the ſame Cuſtume requires that the donations made in the right line are à purchaſe, vnleſſe they be made to the child as to his right and eldeſt heire, and the Father and Mother doe not diſinherit him during their life time [b]. who cannot be ſaid of the late Catholick King, who was ſo farre from being made an heire by the Donatory, or that he was conſidered as the right and eldeſt heire, he is borne but à long time after;

[a] *Art.* 7. *Chap.* 32.

[b] *Art.* 1. & 2. *Chap.* 93.

ſince Philippe III. his father was not yet maried at that time that donation was made, and conſequently you ſee that on euerie Side the Earldome of Haynault doe belong to the Queene. That of Artois alſoe cannot be diſputed her, than by an open and full attempt againſt the diſpoſition of the Cuſtume of the Land, which ſayeth that if the outliuer comes to mary him ſelfe à ſecond time, the Children of the firſt Mariage ſhall carry with them to the excluſion of thoſe of the ſecond, all the hereditaments he was in poſſeſſion off during that firſt Mariage [a]. But aboue all other Cuſtumes that of Cambray is fauorable to the Princeſſe ſince it ordaynes formally that the Children of the firſt bed, are ſoe much poſſeſt of the propertie of all the fiefs or Manors, from the moment that the Mariage is diſſolued, that the outliuer can doe no more anie action of à proprietarie, without the free and ſpeciall conſent of all thoſe Children

[a] But if the outliuer of the touuo vnited perſons, hauing Children of his Mariage, is gone to make an other Mariage, of vvhom others Children are borne, thoſe Children of that laſt Mariage, cannot clayme any right by the deceaſe of the ſaid outliuer; vpon the hereditaments he did poſſeſſe during his firſt Mariage.

assembled tgoether [a]. As for the Earldome of Burgundy, the males and the females inheriting and diuiding by equall portions their inheritances there, without anie distinction of the nature of goods, nor of the order of Mariages, the three Children that the Catholick King left tof his two Mariages, must diuide it equaly by third portions amongst them. And for the Dutchy of Luxemburg, the male of the second bed hath the whole halfe part in the same, and the Queen and her halfe sister of the second bed, the other halfe part, which is the fourth part to euerie one of them both, becaus the Custume giues to the male the double of the Daughters portion [b]. Now Sir you haue in an abreuiated discourse, all that I could keepe in memorie of that Treatise which

a A man or a vvoman hauing a child, or Children liuing of their first Mariage, broken and dissolued, cannot lavvfully sell, exchange, giue nor in anie other vvise alienate his hereditaments, as vvel Manors, as Mainfermes, nor dispose the same in anie manner vvhat soeuer, but vvith the free consent, competence and dutie of the Lavves actuall and personnall of all the said Children, *&c.*

b Vvhen Daughters haue brethren or Sisters, euerie one of those Daughters hath but the halfe, soe much as one of her brothers part doe amount. *Art.* 9.

was communicated to me, concerning the Rights of the Queen, if there is anie thing that is paſt away from me, or that the proo fe be not ſtrong enough, I pray doe not accuſe any but my memorie or my weakneſſe.

THE FLEMMING. I am ſo farre from beleeuing you haue forgotten anie thing, that you haue entertained vs in ſuch à manner, that it would almoſt make me ſuſpicious that you are the Author of that Book, for it is à verie hard matter to be ſo full and ſoe well learned in anie other mans works.

THE GERMAN. Would to God all the inhabitants of this Citie hath heard what we come now to vnderſtand vpon this matter, which is of ſoe much concernment to their Peace, to their honour, and to their allegeance.

THE FLEMMING. I wish it heartily; for to ſay the truth, I am now deliuered from my former errours, and I am ſorry

that all other men are not ſoe.

THE FRENCH. I hope they wil be ſoe bymeanes of that Treatiſe which was compoſed by the order of the moſt Chriſtian King, only vpon à deſſigne to inſtruct them and to draw them out from errour.

THE FLEMMING. In what language is it writen?

THE FRENCH. The Originall is in French, but the moſt Chriſtian King did order it to be tranſlated in Latine, that it might be of à more large vſe and I doe aſſure you that the tranſlation is moſt Elegant and admirable.

THE FLEMMING. I feare that Booke finds no way to come vnto vs, but I am reſolued not to forſake you till you haue promiſed to doe me à fauour.

THE FRENCH. If it is in my power, you may aſſure your ſelfe of my complying with your deſire, but what is it?

THE FLEMMING. It is Sir that you will cauſe to be put in print the narration of this our

preſent conuerſation, together with all the texts of thoſe Cuſtumes and authorities you haue alleadged in your diſcourſe. The Truth requires that from you, and if I dare ſay it in Secret, you muſt doe it by that dutie you owe to our moſt Illuſtrious Princeſſe.

THE FRENCH. Your Declaration makes me to reioyce exceedingly, it is true that I am bound to doe all things for that ſacred Name, and I giue you my word that euen this very euening I wil begin to make all things readie to giue you ſatisfaction.

THE GERMAN. Such à curteous and honeſt Conference could not be ended more graciouſly than has been this. we hope Sir in few dayes the effects of your promiſe, and we entreat you in earneſt, hauing taken our leaues from you, to make haſte to accomplish the ſame, with ſoe much dilligence as the matter is worthie of, and ſuch as the fer-

uour of our paſſionate affections requireth.

THE END.